

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

BRENDA GUFFEY,

*Plaintiff,*

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

*Defendant.*

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No. 1:04-cv-154

*Edgar / Lee*

**MEMORANDUM**

Plaintiff Brenda Guffey brings this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision of the Commissioner of the Social Security Administration (“Commissioner”) to deny her disability benefits. Plaintiff has filed a motion for a judgment on the pleadings [Doc. No. 10]. The Commissioner has filed a motion [Doc. No. 17] for a summary judgment. United States Magistrate Judge William B. Mitchell Carter has filed a report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b) [Doc. No. 20]. The Magistrate Judge recommended that the Commissioner’s motion for a summary judgment be granted, that the plaintiff’s motion for a judgment on the pleadings be denied and that a judgment be entered pursuant to FED. R. CIV. P. 58 affirming the decision of the Commissioner denying Social Security disability benefits to plaintiff. *Id.* Neither party has filed an objection to the Magistrate Judge’s report and recommendation.

A review of the report and recommendation reveals that it does contain an express notice that failure to file timely objections to the report and recommendation would result in further review

under *Thomas v. Arn*, 728 F.2d 813 (6<sup>th</sup> Cir. 1984), *aff'd* by 474 U.S. 140, 149 n.7, 106 S. Ct. 466, 472 n. 7, 88 L.Ed.2d 435 (1985). Therefore, the Court finds that Guffey by failing to object to any aspect of the report and recommendation has waived further review of the report and recommendation. *Callier v. Gray*, 167 F.3d 977, 979-80 (6<sup>th</sup> Cir. 1999).

Accordingly, the Court will **ACCEPT** and **ADOPT** the Magistrate Judge's report and recommendation [Doc. No. 20] pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) and the Commissioner's decision to deny benefits will be **AFFIRMED**.

Judgment will enter.

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*/s/ R. Allan Edgar*

R. ALLAN EDGAR  
CHIEF UNITED STATES DISTRICT JUDGE